

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TERRY JACKSON,

Petitioner,

Case No. 19-cv-828-pp

v.

WARDEN WILLIAM POLLARD,

Respondent.

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**ORDER DISMISSING CASE FOR FAILURE TO DILIGENTLY PROSECUTE  
UNDER CIVIL LOCAL RULE 41(C)**

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The plaintiff filed this petition for a writ of *habeas corpus* on June 3, 2019. Dkt. No. 1. He paid the filing fee the same day, but also filed a motion for leave to proceed without prepaying the filing fee and his prison trust account statement. Dkt. Nos. 2, 3. On June 16, 2020, the court issued an order requiring the petitioner to pay the fee by July 17, 2020. Dkt. No. 7. The order was returned to the court indicating that the petitioner no longer was in custody. Dkt. No. 8. By that time, the court realized that the petitioner already had paid the filing fee. But it had been over a year since the court had heard anything from the petitioner, and he was no longer in custody. So on July 20, 2020, the court issued an order requiring that by the end of the day on August 28, 2020, the petitioner notify the court in writing whether he wanted to proceed with this petition. Dkt. No. 9. The court told the petitioner that if it did not receive that written response by the end of the day on August 28, 2020, it

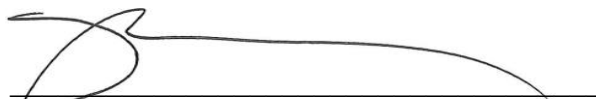
would dismiss the petition without further notice or hearing. Id. at 1-2. The court sent this order to the plaintiff via his state probation/parole officer.

Civil Local Rule 41(c) of the Eastern District of Wisconsin says that “[w]henever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.” The court has heard nothing from the petitioner since it received his petition on June 3, 2019, almost fifteen months ago. The court concludes that the plaintiff is not diligently pursuing the case.

The court **ORDERS** that this *habeas* petition is **DISMISSED WITHOUT PREJUDICE** under Civil L.R. 41(c) for failure to diligently prosecute it. If the petitioner wishes to proceed with the petition, he may file a motion to reopen and explain to the court why he has not communicated with the court in over a year.

Dated in Milwaukee, Wisconsin this 31st day of August, 2020.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**